

Nicole Retana

To: swartcr@earthlink.net
Cc: Brandi Cummings
Subject: RE: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Mr. Swartz

We have received your request for hearing on **TIM & TARYN ORELLANA (DRC2015-00097)**. The hearing will be held on **June 17, 2016 at 9:00am**. The FINAL agenda will be available online at <http://www.slocounty.ca.gov/planning/meetings.htm?> **Monday, June 13, 2016**, close of business.

If you have any questions please feel free to contact the Project Manager, Brandi Cummings at (805)781-1006 or myself at the number below.

Thank you,

Nicole Retana, Secretary
County of San Luis Obispo
Planning and Building Department

From: Brandi Cummings
Sent: Friday, June 10, 2016 3:08 PM
To: Nicole Retana <nretana@co.slo.ca.us>
Subject: Fw: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Another hearing request



From: swartcr@earthlink.net <
Sent: Friday, June 10, 2016 2:55 PM
To: Brandi Cummings
Cc: Matt Janssen; Bruce Gibson; Cherie McKee; Airlin Singewald
Subject: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Dear Brandi,

The Cambria Forest Committee has reviewed the Orellana Permit application and would like to request a hearing on this matter. The attached letter outlines our objections to approving this project during the Cambria Stage 3 Water Shortage Emergency.

Thank you for your consideration of our request.

Regards,
Crosby Swartz, Chairman
Cambria Forest Committee
forest@cambriaforestcommittee.org
805 203-5134

CAMBRIA FOREST COMMITTEE

TO CONSERVE AND MANAGE THE NATIVE FOREST OF CAMBRIA

June 10, 2016

To: Brandi Cummings, bcummings@co.slo.ca.us
cc: Matt Janssen, mjanssen@co.slo.ca.us
Bruce Gibson, bgibson@co.slo.ca.us
Cherie McKee, cmckee@co.slo.ca.us

Subject: Comments on DRC2015-00097 ORELLANA Permit Application

The Cambria Forest Committee has reviewed the Orellana permit application and recommends not approving this project for the following reasons.

Cambria is currently under a declared Stage 3 Water Shortage Emergency Condition. CCSD Title 4 Appendix 4.12C states "The use of potable water for service to any properties where buildings are not under construction is prohibited." Until the Stage 3 Emergency Condition is lifted, the development proposed by this permit would violate the County requirement that water service is available for the project prior to permit approval.

When an existing water position is transferred to this parcel from a different parcel, a restrictive covenant must be executed and recorded by the County on both the sender parcel and the receiver or alternate designated parcel prior to the transfer becoming effective. "The restrictive covenant shall require the permanent merger of all lots contained in the receiver parcel, and the sender or alternate parcel shall be permanently restricted from water service" The requirements for the restrictive covenant are specified in CCSD Title 8, Chapter 8.4, Section 8.04.100 (B)(4) and (B)(7).

The proposed "project limit area", protection of native vegetation, plan requirements, notice of pending tree removal, construction practices, and replacement of vegetation shall be in accordance with the North Coast Area Plan Chapter 7, Paragraphs B1(A) thru B1(G), attached.

The Cambria Forest Committee recommends that this permit application be denied. We would like to request a hearing on this matter. Thank you for your consideration of our comments.

Yours truly,



Crosby Swartz, Chairman
Cambria Forest Committee
forest@cambriaforestcommittee.org

COMBINING DESIGNATIONS: The following standards apply to lands in the Local Coastal Plan (LCP) combining designations, as listed below.

1. **Monterey Pine Forest Habitat (SRA) (TH) - Purpose.** The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. Applications for development within this SRA may require the preparation of a biological report, depending on the result of a mandatory site review. In the event that the site review indicates that the site may contain environmentally sensitive habitat areas as defined in Coastal Act section 30107.5, a biological report that includes information identified in Section 23.07.170 of the Coastal Zone Land Use Ordinance, as well as any additional information needed to address the development standards below, shall be required. The determination of the need for a biology report shall consider factors including but not limited to the size and connectivity of the forest area, potential presence of special status plant or animal species, and the health and condition of the forest area.

All development within Monterey pine forest (TH) shall include the following minimum standards:

- A. A "project limit area" shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
- B. Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional. New development shall be sited to ensure that any required vegetation removal will be done fully on private property and will not encroach on any public lands or sensitive habitat areas. If development cannot be sited to avoid encroachment within sensitive habitat areas, such encroachments shall be minimized to the maximum extent feasible and appropriate mitigation in support of habitat restoration shall be required.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal. In addition, such plans shall clearly show:

- (1) The “project limit area” shall include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
- (2) Sturdy and highly visible protective fencing that will be placed along the 'project limit area'. Plan notes shall indicate this fence should remain in place during the duration of project construction to protect vegetation from construction activities.
- (3) Plan notes shall indicate native trees and undergrowth outside of the “project limit area” shall be left undisturbed.
- (4) Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
- (5) Plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques:
 - a. Injecting pressurized water.
 - b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
 - c. Other County-approved techniques.
- (6) Plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed, or as recommended in an arborist's or biologist's report.

D. Notice of pending tree removal application. Where Plot Plan approval is required for a tree removal permit, a notice shall be posted by the property owner or representative near the front property line on the subject site. The notice shall be maintained in good condition by the property owner until permit issuance.

E. Construction Practices. Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented. These construction practices are to include at minimum;

- (1) All plan notes required in Standard C. above shall be implemented.
- (2) **Protective Measures.** Practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of

waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

- (3) **Stockpiling of Materials.** Materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction. All stockpiled materials shall be removed before final inspection.
- (4) **Construction Practices.** Excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
- (5) **Driveway Placement.** When remodeling or replacing existing residences, avoid moving established driveways if trees or significant vegetation would be negatively impacted.

F. Replacement of Vegetation. Any Monterey pine trees that are six inches or more in diameter 4.5 feet above ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches or more in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:

- (1) A replanting plan shall be prepared as a part of the application. Elements of this plan shall include the type, size and location of vegetation; a description of irrigation plans; and plan notes indicating compliance with the standards of this section. Any proposed on-site or off-site replanting plan must be approved by the County Planning and Building Department prior to issuance of building permits.
- (2) Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata var. macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. **No out of area Monterey Pine stock shall be used.**
- (3) New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development.

If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan shall identify an appropriate off-site area and owned or managed by an appropriate government agency or nonprofit organization.

If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental

Coordinator. All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.

- (4) To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed:
 - a. Infected or contaminated material shall not be transported to areas that are free of the disease;
 - b. When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees;
 - c. Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site;
 - d. Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.
- (5) Prior to final building permit inspection, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation plan has been properly implemented; and
- (6) All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- (7) Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.
- (8) The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.

G. Understory Vegetation Removal. No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available. At the time of permit application, if there is evidence that the understory has been cleared without a permit or if there is evidence that the understory has been cleared outside of the approved 'project limit

area,' 20 plants from the following list shall be planted on-site for every 1,000 square feet affected. At least four different species shall be used of approximately equal amounts. All plants shall be from container stock of one-gallon or less. All planting shall be subject to the "Replacement of Vegetation" requirements described above.

- (1) **Acceptable Species.** The following are considered acceptable for replacement: Quercus agrifolia (Coast Live Oak) - no more than two seedlings per 1,000 square feet

Arctostaphylos tomentosa (Manzanita)
Heteromeles arbutifolia (Toyon)
Rhamnus californica (Coffeeberry)
Rubus ursinus (California Blackberry)
Symphoricarpos mollis (Creeping Snowberry)
Vaccinium ovatum (Evergreen Huckleberry)
Ribes menziesii (Gooseberry)
Lonicera hispidula (Honeysuckle)

- H. **Clustering of Development Required.** Clustering shall be required for new land divisions or multi-family residential development projects within the Monterey Pine Forest Habitat areas. New land divisions or multi-family residential development shall ensure that all future development shall be located entirely outside of ESHA and necessary buffers consistent with Coastal Zone Land Use Ordinance Section 23.07.170. All of the ESHA and buffers shall be retained and protected as Open Space. When feasible, new development shall be restricted to slopes less than 20 percent.
2. **Flood Hazard (FH).** New development shall comply with Coastal Plan Policies for Hazards and the Flood Hazard provisions of the Coastal Zone Land Use Ordinance, and shall be reviewed for its relation to the Cambria Flood Mitigation Project. No new expanded development, except necessary public services and public access trails, shall occur within Flood Hazard areas until the County has implemented Phase I of the Cambria Flood Mitigation Project in a manner that is consistent with the protection of the coastal stream.
3. **Santa Rosa Creek (FH).** The following standards affect all land use categories in and adjacent to Santa Rosa Creek, as shown on Figure 7-4.
- A. **Biological Viability.** Proposed development, including grading, and water well extractions, shall maintain the ecological viability of Santa Rosa Creek (as determined by the County in consultation with the appropriate State or federal agency), including the riparian corridor, stream channel, wetlands, and accompanying marine habitat.
- B. **Channelization or Filling in Floodways.** Channelization or fill in the undeveloped floodway (active channel) and floodway fringe (flood plain) of Santa Rosa Creek shall be prohibited unless such development is consistent with Coastal Act Section 30236 and other applicable provisions of the LCP (see Figure 7-4).
- C. **Creek Setbacks and Habitat Protection.** All new development shall be set back a minimum of 100 feet from the upland edge of riparian vegetation. Setbacks of less than 100 feet are allowed in accordance with Section 23.07.174d.2 of the Coastal Zone Land Use Ordinance. Recreational trails shall be sited outside of areas with riparian vegetation.